

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

STACEY MILLER,

Defendant.

ORDER

01-cr-71-bbc

Defendant Stacey Miller has filed a second motion for modification of sentence pursuant to 18 U.S.C. 3582(c)(2) and a motion for reconsideration of the January 4, 2010 order, dkt. #176, denying his first motion for modification of sentence brought pursuant to 18 U.S.C. 3582(c)(2).

Both motions must be denied. Defendant thinks that he is eligible for a reduction under 18 U.S.C. § 3582 and Amendments 706 and 711 to the Sentencing Guidelines. At sentencing, defendant was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a). As a career offender, he is not affected by the 2007 amendments to the sentencing guidelines, which were intended to reduce the disparities in sentences for crack cocaine and powder cocaine. Therefore, he is not entitled to the reduction.

ORDER

IT IS ORDERED that defendant Stacey Miller's second motion to modify his sentence pursuant to 18 U.S.C. 3582(c)(2) and a motion for reconsideration of the January 4, 2010 order denying his first motion for modification of sentence pursuant to 18 U.S.C. 3582(c)(2) are DENIED.

Entered this 4th day of November, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge

